

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 5, and 9-13 are pending in this application. Claims 1, 3, 5, and 9-11 are amended and Claims 12 and 13 are added by the present amendment.

Amendments to the claims find support in the application as originally filed. Thus, no new matter is added.

In the outstanding Office Action dated December 9, 2008, Claims 1, 3, 5, and 8-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,128,472 to Harel et al. (herein "Harel") in view of U.S. Patent 7,149,195 to Kall et al. (herein "Kall").

Applicants respectfully traverse that rejection with respect to amended independent Claims 1, 3, 9, and 10.

Claim 1 is directed to a radio communication system performing multicast communication and including, in part, a base station. The base station includes, in part, a response signal counter configured to count the number of response signals including a same group ID identifying a same multicast group. The base station also includes a judger configured to judge whether a counted number of response signals exceeds a predetermined number, and a response signal transmitter configured to transmit a single response signal including information that the counted number of response signals exceeds the predetermined number, or the counted number of response signals when the counted number of response signals exceeds the predetermined number. Claim 3 is directed to a base station including features similar to the base station of Claim 1 and having a different scope of invention.

Applicants respectfully submit that Harel and Kall fail to teach or suggest each of the features of Claim 1 or Claim 3. For example, Applicants respectfully submit that Harel and Kall fail to teach or suggest a base station that counts the number of multicast request signals,

and Harel and Kall also fail to teach or suggest a base station that transmits a single response signal when the counted number of response signals from the mobile station exceeds the predetermined number.

As noted in the Office Action, Harel fails to teach a response signal counter and mobile station. Kall describes an apparatus and method for multicasting data in a radio communication system. According to Kall,

[w]hen the number of mobile stations within a particular cell exceeds a threshold number, a RANcast is implemented in that cell. Thereby, on a cell by cell basis, the RANcast is selectively implemented. When the number of mobile stations within a particular cell is reduced beneath a selected level the RANcast, if appropriate, is terminated and unicasts of the data are instead implemented to effectuate the broadcast of the multicast data to the appropriate mobile stations.¹

Further, Kall indicates that the system uses RANcast identifiers (RCID) to calculate a number of mobile stations that have requested a specific broadcast or multicast service in a cell controlled by the radio network controller.² In other words, Kall describes making a determination about using a RANcast or a unicast *based on a number of mobile stations within a particular cell*. However, Applicants respectfully submit that Kall is silent regarding counting the number of response signals at a base station. Applicants respectfully note that the base station controller of Kall manages a plurality of base stations, and thus, the base station controller of Kall is different than the claimed base station.

Accordingly, Applicants respectfully submit that Kall and Harel fail to teach or suggest “a base station comprises: a response signal counter configured to count the number of response signals including a same group ID identifying a same multicast group,” as recited in Claim 1, and as similarly recited in Claim 3.

¹ Kall at column 4, lines 17-24.

² Kall at column 4, lines 8-13.

Additionally, Applicants note that Harel describes a feature of transmitting a single signal selected from a plurality of signals to the base station controller. However, Harel is silent regarding what conditions must be satisfied to transmit this single signal. Likewise, Kall fails to disclose a single response signal transmitted when a counted number of response signals exceeds a predetermined number. Accordingly, it is respectfully submitted that Harel and Kall also fail to teach or suggest “a response signal transmitter configured to transmit a single response signal including information that the counted number of response signals exceeds the predetermined number, or the counted number of response signals, when the counted number of response signals exceeds the predetermined number,” as recited in Claim 1, and as similarly required by Claim 3.

Therefore, it is respectfully submitted that independent Claims 1 and 3 patentably define over Harel and Kall.

Applicants respectfully submit that Harel and Kall also fail to teach or suggest each feature of amended Claims 9 and 10 for reasons similar to those noted above with respect to Claims 1 and 3. In particular, Applicants respectfully submit that Harel and Kall fail to teach or suggest “a receiver configured to receive a single response signal transmitted from at least one base station, the single response signal including a same group ID ... and including information that a counted number of response signals transmitted from the mobile stations exceeds a predetermined number,” as recited in Claim 9. Further Applicants respectfully submit that Harel and Kall also fail to teach or suggest “a receiver configured to receive a single response signal transmitted from at least one base station, the single response signal including a same group ID ... and including a counted number of response signals,” as recited in Claim 10.

Accordingly, Applicants respectfully submit that independent Claims 9 and 10 also patentably define over Harel and Kall.

Claim 12 is added to recite the system of Claim 1, where the judger is further configured to judge whether the counted number of response signals exceeds the predetermined number *for more than a predetermined duration*. Claim 13 is added to recite similar features regarding the base station of Claim 3.

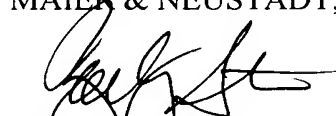
Applicants respectfully submit that Harel and Kall are silent regarding any judgment based on a counted number of response signals being greater than a predetermined number *for more than a predetermined duration*. Accordingly, it is respectfully submitted that Claims 12 and 13 also patentably define over Harel and Kall for that distinct reason in addition to the reasons noted above regarding independent Claims 1 and 3 from which they depend.

Therefore, Applicants respectfully submit that independent Claims 1, 3, 9, and 10, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Zachary S. Stern
Registration No. 54,719